

**Executive Summary – Enforcement Matter – Case No. 43245**  
**E.I. du Pont de Nemours and Company**  
**RN100225085**  
**Docket No. 2012-0050-IWD-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

IWD

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

E.I. du Pont de Nemours La Porte Plant, 12501 Strang Road, La Porte, Harris County

**Type of Operation:**

Wastewater treatment plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: Yes, Docket Nos. 2012-0093-AIR-E and 2012-0598-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** June 29, 2012

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$91,125

**Amount Deferred for Expedited Settlement:** \$18,225

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$36,450

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$36,450

Name of SEP: Galveston Bay Foundation - Marsh Mania

**Compliance History Classifications:**

Person/CN - Average

Site/RN - Average

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2002 and September 2011

**Executive Summary – Enforcement Matter – Case No. 43245**  
**E.I. du Pont de Nemours and Company**  
**RN100225085**  
**Docket No. 2012-0050-IWD-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** December 9, 2011

**Date(s) of NOE(s):** December 19, 2011

***Violation Information***

Failed to comply with permitted effluent limitations for residual chlorine, total suspended solids, methomyl, and total organic carbon [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System (“TPDES”) Permit No. WQ0000474000, Effluent Limitations and Monitoring Requirements Nos. 1 and 2 for Outfall 101, and Effluent Limitations and Monitoring Requirements No. 1 for Outfall 201].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent has implemented the following corrective measures at the Facility:

- a. On June 16, 2011, repaired the level instrument on the disinfectant storage tank and placed a work order into the site maintenance system to check the level instrument quarterly;
- b. On June 20, 2011, initiated a new daily field test to indicate high/low residual chlorine levels as an early warning of potential disinfection problems;
- c. Between June 17 and 26, 2011, trained all Environmental Area Operators about the new daily field test and the importance of proper disinfection of the site sanitary sewage;
- d. On August 17, 2011, placed a second settling agent in the La Porte site biotreatment system to restore settling of total suspended solids; and
- e. On August 28, 2011, adjusted the internal speed of the Rotating Disc Contactor Column to restore the proper waste material profile and treatment of methomyl.

**Technical Requirements:**

1. The Order will require the Respondent to implement and complete a Supplemental Environmental Project (“SEP”). (See SEP Attachment A)
2. The Order will also require the Respondent to, within 90 days, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0000474000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with

**Executive Summary – Enforcement Matter – Case No. 43245**  
**E.I. du Pont de Nemours and Company**  
**RN100225085**  
**Docket No. 2012-0050-IWD-E**

all permitted effluent limitations. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with the permitted effluent limitations.

***Litigation Information***

**Date Petition(s) Filed:** N/A  
**Date Answer(s) Filed:** N/A  
**SOAH Referral Date:** N/A  
**Hearing Date(s):** N/A  
**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A  
**TCEQ Enforcement Coordinator:** Jill Russell, Enforcement Division, Enforcement Team 3, MC 169, (512) 239-4564; Debra Barber, Enforcement Division, MC 219, (512) 239-0412  
**TCEQ SEP Coordinator:** Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565  
**Respondent:** Dean Thompson, Plant Manager, E.I. du Pont de Nemours and Company, P.O. Box 347, La Porte, Texas 77572-0347  
**Respondent's Attorney:** Danny Worrell, Brown McCarroll, L.L.P., 111 Congress Avenue, Suite 1400, Austin, Texas 78701



**Attachment A**  
**Docket Number: 2012-0050-IWD-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>E.I. du Pont de Nemours and Company</b>
<b>Payable Penalty Amount:</b>	<b>Seventy-Two Thousand Nine Hundred Dollars (\$72,900)</b>
<b>SEP Amount:</b>	<b>Thirty-Six Thousand Four Hundred Fifty Dollars (\$36,450)</b>
<b>Type of SEP:</b>	<b>Pre-approved</b>
<b>Third-Party Recipient:</b>	<b>Galveston Bay Foundation - "Marsh Mania"</b>
<b>Location of SEP:</b>	<b>Harris County</b>

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**A. Project**

The Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be to Galveston Bay Foundation to be used for the Galveston Bay Foundation "Marsh Mania" as set forth in the agreement between the Third-Party Recipient and the TCEQ. SEP monies will be used to restore shoreline elevations, growing plants for shoreline restoration, and planting new habitat. Historic subsidence and erosion have resulted in shoreline elevations which are too low to support vegetation. This project will seek to raise elevations by scraping and terracing. Scraping involves the use of earthmoving equipment to grade an eroded, bluff-like shoreline so that it slopes gradually towards the water resulting in the ability of plant growth. Terracing uses earthmoving equipment to create small levees by burrowing and stacking sediment in shallow water. The high elevation can then be planted with emergent vegetation. SEP monies will be used to pay for the direct costs of the implementation of the project, including material, equipment, and labor costs.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

**B. Environmental Benefit**

This SEP will provide a discernible environmental benefit by providing food and shelter for a variety of native fish, shellfish, birds, and mammals. The marshes will also result in the reduction of pollution by filtering particulates and excess nutrients from runoff. In addition, the new habitat will protect shorelines from erosion and will help reduce the effects of flooding.

**C. Minimum Expenditure**

The Respondent shall contribute at least the SEP amount to the Third-Party Recipient and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Mr. Bob Stokes, President  
Galveston Bay Foundation  
17330 Highway 3  
Webster, Texas 77598

**3. Records and Reporting**

Concurrent with the payment of the SEP amount, the Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of

E.I. du Pont de Nemours and Company  
Agreed Order – Attachment A

the SEP amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality  
Financial Administration Division, Revenues  
Attention: Cashier, MC 214  
P.O. Box 13088  
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the Enforcement Division SEP Coordinator at the address in Section 3 above.

**5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.







# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

**DATES** Assigned **3-Jan-2012**  
PCW **4-Apr-2012** Screening **4-Jan-2012** EPA Due **5-Mar-2012**

## RESPONDENT/FACILITY INFORMATION

Respondent **E.I. du Pont de Nemours and Company**  
Reg. Ent. Ref. No. **RN100225085**  
Facility/Site Region **12-Houston** Major/Minor Source **Major**

## CASE INFORMATION

Enf./Case ID No. **43245** No. of Violations **2**  
Docket No. **2012-0050-IWD-E** Order Type **1660**  
Media Program(s) **Water Quality** Government/Non-Profit **No**  
Multi-Media  Enf. Coordinator **Jill Russell**  
EC's Team **Enforcement Team 3**  
Admin. Penalty \$ Limit Minimum **\$0** Maximum **\$10,000**

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** Subtotal 1 **\$12,500**

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** **332.0%** Enhancement Subtotals 2, 3, & 7 **\$41,500**

Notes Enhancement for 29 months of self-reported effluent violations, one NOV with same/similar violations, 38 NOVs with dissimilar violations, two orders without a denial of liability, and three orders with denial of liability. Reductions for two notices of intent to conduct an audit and one disclosure of violations.

**Culpability** **No** **0.0%** Enhancement Subtotal 4 **\$0**

Notes The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** Subtotal 5 **\$0**

**Economic Benefit** **0.0%** Enhancement\* Subtotal 6 **\$0**

Total EB Amounts **\$1,748**  
Approx. Cost of Compliance **\$20,000**  
\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** Final Subtotal **\$54,000**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **-0.7%** Adjustment **-\$375**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes Recommended reduction to prevent double enhancement for self-reported violations.

Final Penalty Amount **\$53,625**

**STATUTORY LIMIT ADJUSTMENT** Final Assessed Penalty **\$53,625**

**DEFERRAL** **20.0%** Reduction Adjustment **-\$10,725**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes Deferral offered for expedited settlement.

**PAYABLE PENALTY** **\$42,900**

Screening Date 4-Jan-2012

Docket No. 2012-0050-IWD-E

PCW

Respondent E.I. du Pont de Nemours and Company

Policy Revision 2 (September 2002)

Case ID No. 43245

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100225085

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	30	150%
	Other written NOVs	38	76%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	3	60%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	1	-2%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 332%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

## Compliance History Notes

Enhancement for 29 months of self-reported effluent violations, one NOV with same/similar violations, 38 NOVs with dissimilar violations, two orders without a denial of liability, and three orders with denial of liability. Reductions for two notices of intent to conduct an audit and one disclosure of violations.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 332%

Screening Date 4-Jan-2012

Docket No. 2012-0050-IWD-E

PCW

Respondent E.I. du Pont de Nemours and Company

Policy Revision 2 (September 2002)

Case ID No. 43245

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100225085

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0000474000, Effluent Limitations and Monitoring Requirements No. 1 Outfall 101

Violation Description Failed to comply with permitted effluent limitations, as documented during a record review conducted on December 9, 2011, and shown in the attached table.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 50%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

A simplified model was used to evaluate methomyl to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Total suspended solids were also evaluated. Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$5,000

\$5,000

## Violation Events

Number of Violation Events 2

62 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	X
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$10,000

Two monthly events are recommended for the months of December 2010 and August 2011.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$10,000

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$1,748

Violation Final Penalty Total \$42,900

This violation Final Assessed Penalty (adjusted for limits) \$42,900

# Economic Benefit Worksheet

Respondent E.I. du Pont de Nemours and Company  
Case ID No. 43245  
Reg. Ent. Reference No. RN100225085  
Media Water Quality  
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$20,000	31-Dec-2010	29-Sep-2012	1.75	\$1,748	n/a	\$1,748

Notes for DELAYED costs

Estimated cost to determine the cause of noncompliance and take necessary corrective actions to maintain compliance with permitted effluent limits. Date required is the first month of noncompliance. The final date is the expected date of compliance.

## Avoided Costs

### ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$20,000

TOTAL

\$1,748

Screening Date 4-Jan-2012

Docket No. 2012-0050-IWD-E

PCW

Respondent E.I. du Pont de Nemours and Company

Policy Revision 2 (September 2002)

Case ID No. 43245

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100225085

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 2

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0000474000, Effluent Limitations and Monitoring Requirements No. 2 for Outfall 101

Violation Description

Failed to comply with permitted effluent limitations, as documented during a record review conducted on December 9, 2011, and shown in the attached table.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

	Release	Major	Harm	Moderate	Minor
Actual					x
Potential					

Percent 25%

## &gt;&gt; Programmatic Matrix

	Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels protective of human health or environmental receptors.

Adjustment \$7,500

\$2,500

## Violation Events

Number of Violation Events 1

31 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,500

One quarterly event is recommended for the quarter that includes the month of May 2011.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$2,500

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$10,725

This violation Final Assessed Penalty (adjusted for limits) \$10,725

# Economic Benefit Worksheet

**Respondent** E.I. du Pont de Nemours and Company  
**Case ID No.** 43245  
**Reg. Ent. Reference No.** RN100225085  
**Media** Water Quality  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See economic benefit for Violation No. 1.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0



# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

**TCEQ**

**DATES** Assigned **3-Jan-2012**  
PCW **4-Apr-2012** Screening **4-Apr-2012** EPA Due **5-Mar-2012**

## RESPONDENT/FACILITY INFORMATION

Respondent **E.I. du Pont de Nemours and Company**  
Reg. Ent. Ref. No. **RN100225085**  
Facility/Site Region **12-Houston** Major/Minor Source **Major**

## CASE INFORMATION

Enf./Case ID No. **43245** No. of Violations **2**  
Docket No. **2012-0050-IWD-E** Order Type **1660**  
Media Program(s) **Water Quality** Government/Non-Profit **No**  
Multi-Media  Enf. Coordinator **Jill Russell**  
EC's Team **Enforcement Team 3**  
Admin. Penalty \$ Limit Minimum **\$0** Maximum **\$25,000**

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** Subtotal 1 **\$18,750**

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **100.0%** Enhancement Subtotals 2, 3, & 7 **\$18,750**

Notes Enhancement for 29 months of self-reported effluent violations, one NOV with same/similar violations, 38 NOVs with dissimilar violations, two orders without a denial of liability, and three orders with denial of liability. Reductions for two notices of intent to conduct an audit and one disclosure of violations.

Culpability **No** **0.0%** Enhancement Subtotal 4 **\$0**

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments Subtotal 5 **\$0**

Economic Benefit **0.0%** Enhancement\* Subtotal 6 **\$0**

Total EB Amounts **\$0**  
Approx. Cost of Compliance **\$0**  
\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** Final Subtotal **\$37,500**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **0.0%** Adjustment **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$37,500**

**STATUTORY LIMIT ADJUSTMENT** Final Assessed Penalty **\$37,500**

**DEFERRAL** **20.0%** Reduction Adjustment **-\$7,500**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

**PAYABLE PENALTY** **\$30,000**

Screening Date 4-Apr-2012

Docket No. 2012-0050-IWD-E

PCW

Respondent E.I. du Pont de Nemours and Company

Policy Revision 3 (September 2011)

Case ID No. 43245

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100225085

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	30	150%
	Other written NOVs	38	76%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	3	60%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	1	-2%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 332%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

## Compliance History Notes

Enhancement for 29 months of self-reported effluent violations, one NOV with same/similar violations, 38 NOVs with dissimilar violations, two orders without a denial of liability, and three orders with denial of liability. Reductions for two notices of intent to conduct an audit and one disclosure of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 332%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 100%



Screening Date 4-Apr-2012

Docket No. 2012-0050-IWD-E

PCW

Respondent E.I. du Pont de Nemours and Company

Policy Revision 3 (September 2011)

Case ID No. 43245

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100225085

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 1

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0000474000, Effluent Limitations and Monitoring Requirements No. 1 for Outfall 101

Violation Description

Failed to comply with permitted effluent limitations, as documented during record reviews conducted on December 9, 2011, March 23, 2012, and April 3, 2012 as shown in the attached table.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		x	
Potential			

Percent 30.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

A simplified model was used to evaluate methomyl to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

## Violation Events

Number of Violation Events 2

61 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$15,000

Two monthly events are recommended for the months of September and December 2011.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

Extraordinary

Before NOV NOV to EDPRP/Settlement Offer

Ordinary

N/A

x

(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$15,000

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$30,000

This violation Final Assessed Penalty (adjusted for limits) \$30,000

# Economic Benefit Worksheet

**Respondent** E.I. du Pont de Nemours and Company  
**Case ID No.** 43245  
**Reg. Ent. Reference No.** RN100225085  
**Media** Water Quality  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See economic benefit for Violation No. 1 in PCW Revision 2.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date 4-Apr-2012

Docket No. 2012-0050-IWD-E

PCW

Respondent E.I. du Pont de Nemours and Company

Policy Revision 3 (September 2011)

Case ID No. 43245

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100225085

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 2

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0000474000, Effluent Limitations and Monitoring Requirements No. 1 for Outfall 201

Violation Description

Failed to comply with permitted effluent limitations, as documented during a record review conducted on April 4, 2012 as shown in the attached table.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 15.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels protective of human health or environmental receptors.

Adjustment \$21,250

\$3,750

## Violation Events

Number of Violation Events 1

31 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$3,750

One quarterly event is recommended for the quarter containing the month of January 2012.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$3,750

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$7,500

This violation Final Assessed Penalty (adjusted for limits) \$7,500

# Economic Benefit Worksheet

**Respondent** E.I. du Pont de Nemours and Company

**Case ID No.** 43245

**Reg. Ent. Reference No.** RN100225085

**Media** Water Quality

**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See economic benefit for Violation No. 1 in PCW Revision 2.

## Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

**TOTAL**

\$0

<b>Effluent Violations Table</b>				
E.I. du Pont de Nemours and Company				
RN100225085; Docket 2012-0050-IWD-E				
TPDES Permit No. WQ0000474000				
<b>Outfall No. 101</b>				
	Chlorine Residual Minimum Concentration	Methomyl DAV Loading	Methomyl DMAX Loading	Total Suspended Solids DAV Loading
<b>Month/Year</b>	<b>Limit = 1 mg/L</b>	<b>Limit = 0.088 lb/d</b>	<b>Limit = 0.191 lb/d</b>	<b>Limit = 790 lb/d</b>
December 2010	c	0.114	c	c
May 2011	0.06	c	c	c
August 2011	c	0.136	0.390	798.57
September 2011	c	0.108	0.311	c
December 2011	c	0.215	0.513	c
<b>Outfall No. 201</b>				
<b>Month/Year</b>	Total Organic Carbon DAV Concentration			
	<b>Limit =12 mg/L</b>			
January 2012	13.22			

DAV = Daily Average, DMAX = Daily Maximum  
mg/L = milligrams per liter  
lb/d = pounds per day  
c = compliant



# Compliance History Report

Customer/Respondent/Owner-Operator:	CN600128284	E. I. du Pont de Nemours and Company	Classification: AVERAGE	Rating: 4.72
Regulated Entity:	RN100225085	E. I. du Pont de Nemours La Porte Plant	Classification: AVERAGE	Rating: 2.96
ID Number(s):	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD008079212	
	INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	30046	
	INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50213	
	AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0218K	
	AIR OPERATING PERMITS	PERMIT	1845	
	AIR OPERATING PERMITS	PERMIT	1846	
	AIR OPERATING PERMITS	PERMIT	1905	
	AIR OPERATING PERMITS	PERMIT	1906	
	AIR OPERATING PERMITS	PERMIT	1907	
	AIR OPERATING PERMITS	PERMIT	1911	
	AIR OPERATING PERMITS	PERMIT	1990	
	AIR OPERATING PERMITS	PERMIT	1891	
	AIR NEW SOURCE PERMITS	AFS NUM	4820100011	
	AIR NEW SOURCE PERMITS	REGISTRATION	93752	
	AIR NEW SOURCE PERMITS	REGISTRATION	94357	
	AIR NEW SOURCE PERMITS	REGISTRATION	92250	
	AIR NEW SOURCE PERMITS	REGISTRATION	91667	
	AIR NEW SOURCE PERMITS	REGISTRATION	93294	
	AIR NEW SOURCE PERMITS	REGISTRATION	71932	
	AIR NEW SOURCE PERMITS	REGISTRATION	12705	
	AIR NEW SOURCE PERMITS	REGISTRATION	12725	
	AIR NEW SOURCE PERMITS	PERMIT	20800	
	AIR NEW SOURCE PERMITS	PERMIT	21130	
	AIR NEW SOURCE PERMITS	REGISTRATION	23740	
	AIR NEW SOURCE PERMITS	REGISTRATION	23688	
	AIR NEW SOURCE PERMITS	REGISTRATION	25009	
	AIR NEW SOURCE PERMITS	REGISTRATION	25657	
	AIR NEW SOURCE PERMITS	REGISTRATION	25400	
	AIR NEW SOURCE PERMITS	REGISTRATION	27385	
	AIR NEW SOURCE PERMITS	REGISTRATION	26222	
	AIR NEW SOURCE PERMITS	REGISTRATION	26496	
	AIR NEW SOURCE PERMITS	REGISTRATION	26340	
	AIR NEW SOURCE PERMITS	REGISTRATION	28383	
	AIR NEW SOURCE PERMITS	REGISTRATION	24984	
	AIR NEW SOURCE PERMITS	REGISTRATION	26592	
	AIR NEW SOURCE PERMITS	REGISTRATION	30182	
	AIR NEW SOURCE PERMITS	REGISTRATION	30428	
	AIR NEW SOURCE PERMITS	REGISTRATION	32351	
	AIR NEW SOURCE PERMITS	REGISTRATION	34030	
	AIR NEW SOURCE PERMITS	REGISTRATION	34178	
	AIR NEW SOURCE PERMITS	REGISTRATION	35510	
	AIR NEW SOURCE PERMITS	REGISTRATION	36110	
	AIR NEW SOURCE PERMITS	REGISTRATION	36341	
	AIR NEW SOURCE PERMITS	REGISTRATION	37427	
	AIR NEW SOURCE PERMITS	REGISTRATION	37277	
	AIR NEW SOURCE PERMITS	REGISTRATION	37750	
	AIR NEW SOURCE PERMITS	REGISTRATION	39520	
	AIR NEW SOURCE PERMITS	REGISTRATION	41316	
	AIR NEW SOURCE PERMITS	REGISTRATION	41436	
	AIR NEW SOURCE PERMITS	REGISTRATION	41786	
	AIR NEW SOURCE PERMITS	REGISTRATION	44102	
	AIR NEW SOURCE PERMITS	REGISTRATION	44807	
	AIR NEW SOURCE PERMITS	REGISTRATION	44835	
	AIR NEW SOURCE PERMITS	REGISTRATION	44934	
	AIR NEW SOURCE PERMITS	REGISTRATION	46250	
	AIR NEW SOURCE PERMITS	REGISTRATION	46795	

AIR NEW SOURCE PERMITS	REGISTRATION	47006
AIR NEW SOURCE PERMITS	REGISTRATION	47657
AIR NEW SOURCE PERMITS	REGISTRATION	48201
AIR NEW SOURCE PERMITS	REGISTRATION	48336
AIR NEW SOURCE PERMITS	REGISTRATION	50145
AIR NEW SOURCE PERMITS	PERMIT	1834
AIR NEW SOURCE PERMITS	PERMIT	2295A
AIR NEW SOURCE PERMITS	PERMIT	2295B
AIR NEW SOURCE PERMITS	PERMIT	2446A
AIR NEW SOURCE PERMITS	PERMIT	2751
AIR NEW SOURCE PERMITS	PERMIT	3406
AIR NEW SOURCE PERMITS	PERMIT	4445
AIR NEW SOURCE PERMITS	PERMIT	6502
AIR NEW SOURCE PERMITS	PERMIT	7820
AIR NEW SOURCE PERMITS	PERMIT	7941
AIR NEW SOURCE PERMITS	PERMIT	7986
AIR NEW SOURCE PERMITS	REGISTRATION	51618
AIR NEW SOURCE PERMITS	REGISTRATION	51352
AIR NEW SOURCE PERMITS	REGISTRATION	52051
AIR NEW SOURCE PERMITS	REGISTRATION	93151
AIR NEW SOURCE PERMITS	REGISTRATION	84460
AIR NEW SOURCE PERMITS	REGISTRATION	55092
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0218K
AIR NEW SOURCE PERMITS	REGISTRATION	54748
AIR NEW SOURCE PERMITS	REGISTRATION	55472
AIR NEW SOURCE PERMITS	REGISTRATION	55169
AIR NEW SOURCE PERMITS	REGISTRATION	53691
AIR NEW SOURCE PERMITS	REGISTRATION	53898
AIR NEW SOURCE PERMITS	REGISTRATION	53933
AIR NEW SOURCE PERMITS	REGISTRATION	54142
AIR NEW SOURCE PERMITS	REGISTRATION	55100
AIR NEW SOURCE PERMITS	REGISTRATION	55125
AIR NEW SOURCE PERMITS	REGISTRATION	75780
AIR NEW SOURCE PERMITS	REGISTRATION	75781
AIR NEW SOURCE PERMITS	REGISTRATION	75939
AIR NEW SOURCE PERMITS	REGISTRATION	55942
AIR NEW SOURCE PERMITS	REGISTRATION	75522
AIR NEW SOURCE PERMITS	REGISTRATION	70090
AIR NEW SOURCE PERMITS	REGISTRATION	70680
AIR NEW SOURCE PERMITS	REGISTRATION	71485
AIR NEW SOURCE PERMITS	REGISTRATION	71515
AIR NEW SOURCE PERMITS	REGISTRATION	71521
AIR NEW SOURCE PERMITS	REGISTRATION	71555
AIR NEW SOURCE PERMITS	REGISTRATION	71589
AIR NEW SOURCE PERMITS	REGISTRATION	71637
AIR NEW SOURCE PERMITS	REGISTRATION	71079
AIR NEW SOURCE PERMITS	REGISTRATION	70683
AIR NEW SOURCE PERMITS	REGISTRATION	54434
AIR NEW SOURCE PERMITS	REGISTRATION	55709
AIR NEW SOURCE PERMITS	REGISTRATION	54656
AIR NEW SOURCE PERMITS	REGISTRATION	72501
AIR NEW SOURCE PERMITS	REGISTRATION	73137
AIR NEW SOURCE PERMITS	REGISTRATION	55614
AIR NEW SOURCE PERMITS	REGISTRATION	55864
AIR NEW SOURCE PERMITS	REGISTRATION	74445
AIR NEW SOURCE PERMITS	REGISTRATION	74547
AIR NEW SOURCE PERMITS	REGISTRATION	73850
AIR NEW SOURCE PERMITS	REGISTRATION	74781
AIR NEW SOURCE PERMITS	REGISTRATION	77245
AIR NEW SOURCE PERMITS	REGISTRATION	77924
AIR NEW SOURCE PERMITS	REGISTRATION	77101
AIR NEW SOURCE PERMITS	REGISTRATION	79091
AIR NEW SOURCE PERMITS	REGISTRATION	79153



AIR NEW SOURCE PERMITS	REGISTRATION	79624
AIR NEW SOURCE PERMITS	REGISTRATION	79912
AIR NEW SOURCE PERMITS	REGISTRATION	79682
AIR NEW SOURCE PERMITS	REGISTRATION	80234
AIR NEW SOURCE PERMITS	REGISTRATION	79824
AIR NEW SOURCE PERMITS	REGISTRATION	81545
AIR NEW SOURCE PERMITS	REGISTRATION	81161
AIR NEW SOURCE PERMITS	REGISTRATION	81466
AIR NEW SOURCE PERMITS	REGISTRATION	81328
AIR NEW SOURCE PERMITS	REGISTRATION	82048
AIR NEW SOURCE PERMITS	REGISTRATION	83253
AIR NEW SOURCE PERMITS	REGISTRATION	82394
AIR NEW SOURCE PERMITS	REGISTRATION	82353
AIR NEW SOURCE PERMITS	REGISTRATION	81488
AIR NEW SOURCE PERMITS	REGISTRATION	85923
AIR NEW SOURCE PERMITS	REGISTRATION	88555
AIR NEW SOURCE PERMITS	REGISTRATION	95217
AIR NEW SOURCE PERMITS	REGISTRATION	81487
AIR NEW SOURCE PERMITS	REGISTRATION	88256
AIR NEW SOURCE PERMITS	REGISTRATION	83743
AIR NEW SOURCE PERMITS	REGISTRATION	86302
AIR NEW SOURCE PERMITS	REGISTRATION	83045
AIR NEW SOURCE PERMITS	REGISTRATION	90542
AIR NEW SOURCE PERMITS	REGISTRATION	99259
AIR NEW SOURCE PERMITS	REGISTRATION	98906
WASTEWATER	PERMIT	WQ0000474000
WASTEWATER	EPA ID	TX0007293
UNDERGROUND INJECTION CONTROL	PERMIT	WDW082
UNDERGROUND INJECTION CONTROL	PERMIT	WDW083
UNDERGROUND INJECTION CONTROL	PERMIT	WDW149
UNDERGROUND INJECTION CONTROL	PERMIT	WDW360
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1011171
PETROLEUM STORAGE TANK	REGISTRATION	35066
REGISTRATION		
WATER LICENSING	LICENSE	1011171
STORMWATER	PERMIT	TXR05P548
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30046
POLLUTION PREVENTION PLANNING	ID NUMBER	P00192
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	HG0218K

Location: 12501 Strang Road, La Porte, Harris County, Texas

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: April 03, 2012

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: April 03, 2007 to April 03, 2012

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Jill Russell Phone: 512-239 - 4564

#### Site Compliance History Components

- Has the site been in existence and/or operation for the full five year compliance period? YES
- Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- If YES, who is the current owner/operator? N/A
- If YES, who was/were the prior owner(s)/operator(s)? N/A
- If YES, when did the change(s) in owner or operator occur? N/A
- Rating Date: 9/1/2011 Repeat Violator: NO

## Components (Multimedia) for the Site :

### A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 08/23/2007

ADMINORDER 2006-2093-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: TCEQ Air Permit # 1834, SC #1 PA

Description: Failed to prevent unauthorized emissions during an emissions event that started on June 15, 2006.

Effective Date: 04/03/2008

ADMINORDER 2007-1435-IWD-E

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Effluent Limits PERMIT

Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

Effective Date: 03/12/2009

ADMINORDER 2007-1531-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: TCEQ Permit #4445, SC#1 PA

Description: Failed to prevent unauthorized emissions during a February 19, 2006 emissions event. Since the emissions event was avoidable, excessive, and not properly reported, the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-10(d)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.113(a)(1)(i)  
40 CFR Part 60, Subpart A 60.18(c)(3)(ii)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP No. O-01911, Spec. Cond. 15 OP  
FOP No. O-01911, SPec. Cond. 1A OP

NSR Permit No. 4445, Spec. Cond. 5A PERMIT

Description: Failed to maintain the net heating value of the gas being combusted by Flare VS-202C at 300 Btu/scf or greater.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Part 63, Subpart G 63.120(d)(5)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP No. O-01911, Spec. Cond. 15 OP  
FOP No. O-01911, Spec. Cond. 1A OP

NSR Permit No. 4445, Spec. Cond. 6 PERMIT

Description: Failed to maintain the liquid flow rate to Tank Farm Super Scrubber VS-206 above 17 gpm.

Effective Date: 09/26/2010

ADMINORDER 2010-0313-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions during Incident No. 130915. Specifically, 355 pounds ("lbs") of carbon dioxide and 3,700 lbs of methylene chloride, a hazardous air pollutant, were released from a relief valve (Emissions Point No. LN-21F) in the Lannate/API Unit during an emissions event that began on October 14, 2009 and lasted 7 hours and 6 minutes. The unauthorized release was the result of a failed pressure transmitter which caused the vent system to overpressurize, .....

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
5C THSC Chapter 382 382.085(b)

Description: Failed to timely report Incident No. 130915 within 24 hours after discovery. Specifically, the event was discovered on October 14, 2009, at 11:00 p.m. However, the initial notification was not submitted until October 19, 2009, at 4:31 p.m.

Effective Date: 12/19/2011

ADMINORDER 2011-0757-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms & Conditions OP

Description: Failure to submit the semi-annual deviation report dated November 17, 2010 within 30 days after the end of the reporting period. (CATEGORY B3 violation)

- B. Any criminal convictions of the state of Texas and the federal government. N/A
- C. Chronic excessive emissions events. N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	08/27/2007	462372
2	04/16/2007	(542380)
3	04/25/2007	(543346)
4	04/25/2007	(543355)
5	04/25/2007	(543358)
6	06/20/2007	(543376)
7	07/20/2007	(543549)
8	08/28/2007	(543551)
9	05/22/2007	(543552)
10	05/31/2007	(543650)
11	07/31/2007	(558826)
12	05/25/2007	(558836)
13	07/10/2007	(559490)
14	05/23/2007	(560156)
15	07/24/2007	(564176)
16	11/26/2007	(567556)
17	08/22/2007	(570072)
18	04/24/2007	(575707)
19	05/23/2007	(575708)
20	06/25/2007	(575709)
21	07/23/2007	(575710)
22	11/01/2007	(594547)
23	11/01/2007	(594924)
24	11/01/2007	(594928)
25	04/04/2008	(595001)

26	04/17/2008	(595527)
27	12/21/2007	(598285)
28	12/13/2007	(598540)
29	12/13/2007	(598541)
30	12/13/2007	(598542)
31	11/15/2007	(600902)
32	08/16/2007	(607602)
33	09/21/2007	(607603)
34	04/03/2008	(609061)
35	12/21/2007	(609133)
36	12/17/2007	(610484)
37	12/17/2007	(610493)
38	12/17/2007	(610498)
39	12/10/2007	(611046)
40	12/13/2007	(611431)
41	12/10/2007	(611498)
42	01/01/2008	(611537)
43	02/08/2008	(612719)
44	02/11/2008	(612835)
45	01/16/2008	(613924)
46	02/11/2008	(616046)
47	02/11/2008	(616048)
48	02/11/2008	(616050)
49	02/11/2008	(616150)
50	01/29/2008	(616209)
51	02/05/2008	(616683)
52	04/04/2008	(617413)
53	10/22/2007	(619662)
54	11/26/2007	(619663)
55	12/27/2007	(619664)
56	10/22/2007	(619665)
57	12/20/2007	(635945)
58	05/29/2008	(636610)
59	08/27/2008	(636696)
60	07/28/2008	(636697)
61	04/28/2008	(636915)
62	04/28/2008	(636916)
63	04/29/2008	(641149)
64	04/29/2008	(641150)
65	04/29/2008	(641153)
66	04/23/2008	(646170)
67	02/22/2008	(672183)
68	03/19/2008	(672184)
69	06/17/2008	(680377)
70	06/06/2008	(680392)
71	08/14/2008	(687863)
72	08/04/2008	(687973)

73	09/01/2008	(688029)
74	08/12/2008	(688159)
75	08/12/2008	(688161)
76	08/12/2008	(688162)
77	10/09/2008	(688316)
78	08/29/2008	(689245)
79	04/21/2008	(690096)
80	05/21/2008	(690097)
81	06/23/2008	(690098)
82	11/21/2008	(700294)
83	08/26/2008	(701031)
84	08/26/2008	(701041)
85	08/26/2008	(701043)
86	05/13/2009	(702546)
87	10/06/2008	(702718)
88	11/25/2008	(708172)
89	11/25/2008	(708175)
90	11/25/2008	(708177)
91	01/21/2009	(709039)
92	07/21/2008	(710883)
93	08/22/2008	(710884)
94	09/30/2008	(710885)
95	02/19/2009	(725340)
96	10/22/2008	(727589)
97	12/01/2008	(727590)
98	12/22/2008	(727591)
99	05/07/2009	(737100)
100	06/11/2009	(737249)
101	06/01/2009	(737251)
102	08/28/2009	(737259)
103	05/13/2009	(737282)
104	07/13/2009	(738157)
105	07/30/2009	(741154)
106	05/18/2009	(743192)
107	05/18/2009	(743195)
108	05/18/2009	(743201)
109	07/15/2009	(744826)
110	09/03/2009	(747011)
111	08/27/2009	(747523)
112	06/17/2009	(749357)
113	02/23/2009	(750398)
114	01/23/2009	(750399)
115	08/11/2009	(763020)
116	08/11/2009	(763039)
117	08/24/2009	(766638)
118	09/22/2009	(767226)

119	04/20/2009	(768458)
120	11/09/2009	(777109)
121	11/09/2009	(777116)
122	11/10/2009	(778076)
123	11/09/2009	(778383)
124	12/03/2009	(783577)
125	01/07/2010	(786284)
126	02/10/2010	(786789)
127	01/07/2010	(787198)
128	02/05/2010	(787487)
129	02/12/2010	(787495)
130	02/12/2010	(787514)
131	02/05/2010	(789149)
132	08/18/2010	(790338)
133	06/30/2010	(790348)
134	02/05/2010	(790565)
135	03/22/2010	(793494)
136	03/16/2010	(793584)
137	04/01/2010	(793813)
138	03/15/2010	(793882)
139	08/18/2010	(794042)
140	07/22/2010	(794179)
141	08/27/2010	(794180)
142	08/18/2010	(794203)
143	03/17/2010	(794414)
144	05/07/2010	(794423)
145	04/01/2010	(794468)
146	04/01/2010	(794472)
147	03/12/2010	(794629)
148	04/01/2010	(796791)
149	04/07/2010	(797870)
150	04/22/2010	(798404)
151	05/27/2010	(798885)
152	05/27/2010	(798893)
153	05/27/2010	(798894)
154	05/25/2010	(803599)
155	05/25/2010	(803602)
156	05/25/2010	(803616)
157	02/26/2010	(805004)
158	11/18/2009	(805005)
159	12/21/2009	(805006)
160	01/22/2010	(805007)
161	07/23/2010	(825858)
162	06/30/2010	(828551)
163	07/14/2010	(828955)
164	03/19/2010	(831002)
165	04/22/2010	(831003)

166	05/24/2010	(831004)
167	09/02/2010	(843397)
168	09/02/2010	(843453)
169	09/02/2010	(844221)
170	09/02/2010	(844991)
171	06/17/2010	(846308)
172	07/21/2010	(860898)
173	10/26/2010	(865837)
174	10/26/2010	(865848)
175	10/26/2010	(865879)
176	08/17/2010	(866873)
177	12/14/2010	(873618)
178	12/14/2010	(873625)
179	12/14/2010	(873716)
180	12/16/2010	(873720)
181	12/16/2010	(873729)
182	12/16/2010	(873733)
183	09/22/2010	(873944)
184	04/26/2011	(878117)
185	10/21/2010	(881541)
186	12/21/2010	(882751)
187	07/18/2011	(893104)
188	01/05/2011	(896286)
189	11/30/2010	(896287)
190	06/16/2011	(899776)
191	04/26/2011	(899777)
192	05/24/2011	(899778)
193	04/29/2011	(899780)
194	03/30/2011	(899782)
195	04/15/2011	(899799)
196	05/20/2011	(901539)
197	04/12/2011	(907101)
198	04/12/2011	(907109)
199	04/12/2011	(907123)
200	05/19/2011	(907779)
201	02/22/2011	(909128)
202	01/24/2011	(909129)
203	04/15/2011	(912851)
204	06/02/2011	(915834)
205	03/21/2011	(916380)
206	07/20/2011	(922870)
207	03/18/2009	(924882)
208	04/25/2011	(924883)
209	05/20/2009	(924884)
210	06/22/2009	(924885)
211	07/22/2009	(924886)

212	08/20/2009	(924887)
213	10/15/2009	(924888)
214	10/15/2009	(924889)
215	06/20/2011	(934127)
216	07/27/2011	(936796)
217	05/20/2011	(938066)
218	06/22/2011	(945438)
219	08/19/2011	(948943)
220	08/19/2011	(948967)
221	08/31/2011	(950337)
222	07/22/2011	(952663)
223	10/13/2011	(957690)
224	10/13/2011	(957717)
225	10/13/2011	(957718)
226	08/19/2011	(959349)
227	09/22/2011	(965381)
228	12/21/2011	(969260)
229	10/17/2011	(971420)
230	12/19/2011	(974247)
231	01/17/2012	(976436)
232	01/20/2012	(977058)
233	01/24/2012	(977347)
234	11/21/2011	(977577)
235	12/19/2011	(984347)
236	03/01/2012	(988309)
237	01/24/2012	(990643)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	05/25/2007	(558836)	CN600128284
Self Report?	NO		Classification: Moderate
Citation:	40 CFR Chapter 63, SubChapter C, PT 63, SubPT SS 63.998(b)(1)(i)		
Description:	Failure to record the water flow rate on February 27, 2006 from 12:30 pm through 1:30 pm for the HF-01 Scrubber.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.116(a)(1) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) O-01846 STC 4 OP		
Description:	Failure to operate HF-01 scrubber at a minimum water flow rate of 87 gpm during February 25, 2006, February 27, 2006, and August 4, 2006.		
Date:	06/22/2007	(543376)	CN600128284
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.116(a)(1) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) No. O-01845, Special Condition 4 OP		
Description:	Failure to operate the Sulfuric Acid Plant within the Oleum filling rate of 30 gpm represented in the application submitted for NSR Permit No. 21130.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 106, SubChapter K 106.263 30 TAC Chapter 116, SubChapter B 116.110(a)		



30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
No. O-01845, Special Condition 6 OP  
Description: Failure to register a rental air compressor operated under Permit by Rule 106.263 within 180 days of the start-up of the compressor.

Date: 06/30/2007 (575710) CN600128284  
Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)  
Description: Failure to meet the limit for one or more permit parameter

Date: 07/20/2007 (543549) CN600128284  
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.171(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1363(b)(3)  
5C THC Chapter 382, SubChapter D 382.085(b)  
FOP No. 01905, Spec. Cond. 11 OP  
NSR Permit No. 2446A, Spec. Cond. 8H PERMIT  
Description: Failure to repair fugitive components that were placed on delay of repair (DOR) pending a unit shutdown.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.171(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1363(b)(3)  
5C THC Chapter 382, SubChapter D 382.085(b)  
FOP No. 01905, Spec. Cond. 11 OP  
NSR Permit No. 2446A, Spec. Cond. 8H PERMIT  
Description: Failure to repair fugitive components that were placed on delay of repair (DOR) pending a unit shutdown. The unit was restarted without completing the repairs.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.169(c)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1363(b)(2)  
5C THC Chapter 382, SubChapter D 382.085(b)  
FOP No. 01905 Spec. Cond. 1A OP  
Description: Failure to make a first attempt at repairing fugitive components within five (5) days after discovery.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.169(c)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1363(b)(2)  
5C THC Chapter 382, SubChapter D 382.085(b)  
FOP No. 01905, Spec. Cond 11 OP  
NSR Permit No. 2446A, Spec. Cond 8H PERMIT  
Description: Failure to complete final repairs on two (2) fugitive components within fifteen (15) days of initial discovery.

Date 07/31/2007 (567547) CN600128284  
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
FOP O-01906 STC 9 OP  
NSR Permit No. 1834 SC 10C PERMIT  
Description: Failure to change the carbon canister within four hours when the breakthrough had occurred at the first canister on August 31, 2006.

Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter D 115.352(2) 5C THC Chapter 382, SubChapter D 382.085(b)		
Description:	Failure to conduct first attempt repair for fugitive leaking component within five days after the leak was discovered.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.116(c)(1)(B) 5C THC Chapter 382, SubChapter D 382.085(b)		
Description:	Failure to maintain a minimum temperature of -66 degrees F for the cryogenic compressor (LN05CRY) as represented in the New Source Review (NSR) Permit No. 1834 application during the operation on October 28, 2006 through October 31, 2006 and on December 13, 2006.		
Date	07/31/2007 (607602)	CN600128284	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	08/28/2007 (568558)	CN600128284	
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 115, SubChapter H 115.767(1) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) FOP No. O-01911, Spec. Cond. 15 OP		
Description:	Failure to maintain a minimum of five (5) psig differential pressures between the process side and cooling tower water side on North Cooling Tower.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.171(a) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1363(b)(3) 5C THC Chapter 382, SubChapter D 382.085(b) FOP O-01911, Spec. Cond. 1A OP FOP Permit No. O-01911, Spec. Cond 15 OP NSR Permit No. 4445, Spec. Cond. 7H & 7I PERMIT		
Description:	Failure to repair fugitive components that were placed on delay of repair (DOR) pending a unit shutdown.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1) 5C THC Chapter 382, SubChapter D 382.085(b) FOP No. O-01911, Spec. Cond. 15 OP FOP No. O-01911, Spec. Cond. 1A OP		
Description:	Failure to monthly monitor fugitive components (pumps) that were not included in LDAR program.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter D 115.354(2) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) FOP No. O-01911, Spec. Cond. 15 OP FOP No. O-01911, Spec. Cond. 1A OP NSR Permit No. 4445, Spec. Cond. 7G PERMIT		
Description:	Failure to quarterly monitor fugitive components (pumps) that were not included in LDAR program.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.169(c)(2) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1363(b)(2) 5C THC Chapter 382, SubChapter D 382.085(b)		

	FOP No. O-01911, Spec. Cond. 1A OP		
	FOP Permit No. O-01911, Spec. Cond. 15 OP		
Description:	Failure to make a first attempt at repairing fugitive components within five (5) days after discovery.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 115, SubChapter H 115.764(a)(6) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) FOP Permit No. O-01911, Spec. Cond. 15 OP		
Description:	Failure to complete quarterly calibration tests on South Cooling Tower.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 115, SubChapter H 115.725(d)(2)(A)(i) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) FOP Permit No. O-01911, Spec. Cond. 15 OP		
Description:	Failure to complete quarterly calibration tests on the vinyls flare (VS-202).		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 115, SubChapter H 115.766(a)(3) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) FOP Permit No. O-01911, Spec. Cond. 15 OP		
Description:	Failure to record ethylene emissions from South Cooling Tower.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 115, SubChapter H 115.766(a)(5) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) FOP Permit No. O-01911, Spec. Cond. 15 OP		
Description:	Failure to record recirculation flow from South Cooling Tower.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(A) 5C THC Chapter 382, SubChapter D 382.085(b) FOP No. O-01911, Spec. Cond. 15 OP		
Description:	Failure to include a recordable emission event in a deviation report.		
Date	10/31/2007	(619663)	CN600128284
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	11/30/2007	(619664)	CN600128284
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	12/12/2007	(598542)	CN600128284
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THSC Chapter 382 382.085(b) Permit #1834, Special Condition #1 PERMIT		
Description:	Failure to prevent higher than normal loading of the incinerator resulting in excess opacity.		
Date	12/12/2007	(598541)	CN600128284
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THSC Chapter 382 382.085(b) Permit #1834, Special Condition #1 PERMIT		
Description:	Failure to prevent higher load than normal on the incinerator which resulted in excess		

opacity.

Date 12/13/2007 (598540) CN600128284  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Permit #1834, Special Condition #1 PERMIT  
Description: Failure to prevent higher load than normal on the incinerator which resulted in excess opacity.

Date 12/20/2007 (635945) CN600128284  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)  
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date 12/21/2007 (598285)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 106, SubChapter K 106.261  
30 TAC Chapter 106, SubChapter K 106.262  
5C THSC Chapter 382 382.085(b)  
Description: Failure to prevent leak from the North Tank Conservation Vent which resulted in the unauthorized release of contaminants.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
Description: Failure to submit initial notification in a timely manner.

Date 12/31/2007 (619665) CN600128284  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

Date 01/31/2008 (672183) CN600128284  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

Date 02/28/2008 (672184) CN600128284  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

Date 03/31/2008 (690096) CN600128284  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

Date 04/02/2008 (609061) CN600128284  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Permit #1834, Special Condition #1 PERMIT  
Description: Failure to prevent unauthorized emissions from the Dowtherm Recovery Tank.

Date 04/18/2008 (595527) CN600128284  
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
O-01846, Special Condition 3 OP  
Description: Failure to prevent the water flow to the scrubber falling below the minimum flow of 87 gallons per minute (gpm) as represented in the NSR Permit 20800 permit application.

Self Report? NO Classification: Minor

Citation: 20800, Special Condition 6 PERMIT  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
O-01846, Special Condition 3 OP

Description: Failure to record the cause of the visible emissions and the corrective action.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THSC Chapter 382 382.085(b)  
O-01846, General Terms and Conditions OP

Description: Failure to include the incidences for not recording the cause of the visible emissions and the corrective action on the Title V deviation reports, during the certification period.

Date 04/28/2008 (636916) CN600128284

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.146(2)  
5C THSC Chapter 382 382.085(b)  
O-01906, GENERAL TERMS AND CONDITIONS OP

Description: DuPont failure to submit permit compliance certification no latter than 30 days after the end of the reporting period

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(C)  
5C THSC Chapter 382 382.085(b)  
O-01906, GENERAL TERMS AND CONDITIONS OP

Description: DuPont failure to submit the deviation reports no later than 30 days after the end of the reporting period.

Date 04/28/2008 (636915) CN600128284

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(C)  
5C THSC Chapter 382 382.085(b)  
O-01905, General Terms and Conditions OP

Description: Failure to submit a deviation report no latter than 30 days after the end of the reporting period.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.146(2)  
5C THSC Chapter 382 382.085(b)  
O-01905, General Terms and Conditions OP

Description: Failure to submit permit compliance certification no latter than 30 days after the end of the reporting period.

Date 05/30/2008 (636610) CN600128284

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(d)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1363(b)(3)  
5C THSC Chapter 382 382.085(b)

	FOP O-01907 STC #6 OP		
Description:	Failure to repair leaking component within 15 calendar days.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter B 115.126(1)(A)(i) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1366(b)(1)(vii) 5C THSC Chapter 382 382.085(b) FOP O-01907 STC #6 OP		
Description:	Failure to continuously record outlet temperature of direct flame incinerator.		
Date	05/31/2008 (690098)	CN600128284	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	06/30/2008 (710883)	CN600128284	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	07/31/2008 (710884)	CN600128284	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	10/31/2008 (727590)	CN600128284	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	01/31/2009 (750398)	CN600128284	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	02/28/2009 (924882)	CN600128284	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	05/08/2009 (737100)	CN600128284	
Self Report?	NO	Classification:	Minor
Citation:	20800, SC 18 PERMIT 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) O-01846, SC 5 OP		
Description:	Failure to maintain water flow rate to HF Scrubber at 87 gallons per minute or above, and failure to record data for HF Scrubber water flow rate (Category C1 and C4 violation).		
Date	05/14/2009 (702546)		
Self Report?	NO	Classification:	Moderate
Citation:	SC 3 (B) PERMIT		

30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085  
Description: DuPont La Porte plant failed to operate their sulfuric acid (SA) manufacturing plant in a manner that the permit lb sulfuric acid emitted per ton of acid produced limit was less than 0.142 lb SA per ton acid produced.

Date 05/29/2009 (737251) CN600128284  
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT PPP 63.1439(e)(6)(i)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP

Description: Failed to submit the periodic report under 40 CFR 63 Subpart PPP on time  
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter C 122.222(k)(2)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP

Description: Failed to submit the Off-Notify Form required in 122.222(k)(2) on time

Date 06/12/2009 (737249) CN600128284  
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(7)  
40 CFR Part 60, Subpart A 60.18(c)(4)(i)  
General Terms and Conditions OP  
Special Condition 4A PERMIT  
Special Terms and Conditions No. 11 OP

Description: Failed to operate flare at an exit velocity less than 60 ft/sec  
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 4B PERMIT  
Special Terms and Conditions No. 11 OP

Description: Failed to maintain pilot flame at all times  
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special and Conditions No. 11 OP  
Special Condition No. 3 PERMIT

Description: Failed to maintain the production rate of sodium methylate and hexazinone  
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.146(2)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP

Description: Failed to report two deviations within 30 days after the end of the certification period from December 12, 2007 to June 11, 2008

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter C 122.222(k)(2)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP

Description: Failed to submit the Off-Notify Form required on time after replacing the VO-01P-1 Extractor

Date 06/16/2009 (749357) CN600128284  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 ELMR, No. 1 PERMIT  
 Description: Failure to maintain compliance with the permitted effluent limits.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)  
 Description: Failure to correctly calculate the Discharge Monitoring Reports (DMRs).  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to submit the noncompliance notification for an effluent violation which deviated from the permitted limit by more than 40%.

Date 07/15/2009 (744826) CN600128284  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1366(b)(8)  
 5C THSC Chapter 382 382.085(b)  
 Special Terms and Conditions 1D OP  
 Description: Failure to maintain established monitoring parameters as set by the facility.  
 (CATEGORY B18 violation)

Date 07/31/2009 (924887) CN600128284  
 Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter

Date 08/27/2009 (747523) CN600128284  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter B 115.126(1)(A)(iv)  
 30 TAC Chapter 115, SubChapter C 115.216(1)(B)  
 30 TAC Chapter 115, SubChapter H 115.722(d)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)  
 5C THSC Chapter 382 382.085(b)  
 FOP #O-01911, ST & C#11 OP  
 NSR Permit No. 4445, SC#5A PA  
 Description: Failure to maintain the A Plant Flare (EPN: VS-202) net heating value at 300 Btu/scf on November 22, 2007; December 3, 2007 through December 4, 2007; and March 9, 2008. (Category C4 Violation)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(6)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 FOP #O-01911, ST & C#11 OP  
 NSR Permit No. 4445, SC#5G PA  
 Description: Failure to record hourly tip velocity monitoring data due to a transmitter malfunction.  
 (Category C4 Violation)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 FOP #O-01911, ST & C#11 OP  
 NSR Permit #4445, SC#6 PA  
 Description: Failure to record Tank Farm Super Scrubber (EPN: VS-204), Million Gallon Acetic Acid Scrubber (EPN: VS-207), "A" Acetic Acid Tank Scrubber (EPN: VS-208), "B" Acetic Acid Tank Scrubber (EPN: VS-209), Tar Receiver Scrubber (EPN: VS-212), and Dry Product Scrubber (EPN: VS-216) water flow data. (Category C4 Violation)



Product Scrubber (EPN: VS-376) water flow data. (Category C4 violation)

Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) FOP #O-01911, ST & C#11 OP NSR Permit No. 4445, SC #6 PA		
Description:	Failure to maintain the Dry Product Scrubber (EPN: VS-376) water flow at 15 gallons per minute (gpm) on April 23, 2008. (Category C4 Violation)		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter C 115.216(4)(A) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) FOP #O-01911, ST & C #1A OP		
Description:	failed to maintain a daily marine loading operation record for July 6, 2008. (Category C4 Violation)		
Date	08/28/2009 (737259)	CN600128284	
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition No. 4 PERMIT Special Terms and Conditions No. 6 OP		
Description:	failure to prevent exceeding the H2S permitted concentration limit of 30 ppmv. (Category B14 violation)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition No.4 PERMIT Special Terms and Conditions No. 6 OP		
Description:	failure to prevent exceeding the H2S permitted concentration limit of 1500 ppmv for the Sulfur Unloading Pit SA-04. (Category B14 violation)		
Date	11/30/2009 (805006)	CN600128284	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	12/31/2009 (805007)	CN600128284	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	01/31/2010 (805004)	CN600128284	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	04/01/2010 (793813)	CN600128284	
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 335, SubChapter C 335.69(a)(3) 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(3)		
Description:	During the investigation, it was noted that the TC Overheads tank, NOR unit 089, did not posses a hazardous waste label.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B)		

40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(ii)

Description: During the investigation, it was noted that the facility operating record was missing a daily tank inspection for April 7, 2007.

Date 04/30/2010 (831004) CN600128284

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date 05/31/2010 (846308) CN600128284

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date 06/30/2010 (860898) CN600128284

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date 07/01/2010 (790348) CN600128284

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(C)  
FOP O-01907 General Terms and Conditions OP

Description: Failure to submit Deviation Report dated June 12, 2009 within the required time frame.  
(CATEGORY B3 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter B 115.142(3)(B)  
30 TAC Chapter 122, SubChapter B 122.143(4)

Description: Failure to maintain Total Suspended Solid levels above permitted limits.  
(CATEGORY C4 Violation)

Date 07/27/2010 (794179) CN600128284

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition (4)(E)(3) PERMIT  
Special Condition 6 OP

Description: Failure to install natural gas and vent flow monitors by the installation deadline of December 1, 2009, on the VP-01BC flare (Category B16 Violation).

Date 08/15/2010 (794180) CN600128284

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1366(b)(1)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1D OP

Description: Failure to maintain caustic concentration by minimum established concentration of 3% on scrubber units LN-06C and LN-07C on 3 different occasions from December 21, 2008 to September 6, 2009 (Category C4 Violation).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1363(e)(7)(ii)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1A OP

Description: Failure to make first attempt to repair leaking valve numbers 0058, 0157, and LAN1346 in Unit LN-21F (Category B14 Violation).

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP

Description: Failure to include 4 deviations in previous semiannual deviation report from July 11, 2009 to January 8, 2010 (Category B3 Violation).

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter B 115.126(1)(A)(i)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1366(b)(1)(vii)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1A OP

Description: Failure to record temperature and flow data from December 5, 2009 to December 7, 2009 (Category B3 Violation).

Date 08/19/2010

(790338)

CN600128284

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(b)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)  
5C THSC Chapter 382 382.085(b)  
FOP #O-01911, ST&C 11 OP  
FOP #O-01911, ST&C 1A. OP  
NSR #4445, SC 5A. PA

Description: Failure to maintain a minimum net heating value of 300 Btu/scf for the Plant "A" (Vinyls) flare (EPN VS-202C).

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 116, SubChapter F 116.617  
30 TAC Chapter 122, SubChapter B 122.143(3)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(e)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT SS 63.985(a)  
5C THSC Chapter 382 382.085(b)  
FOP #O-01911, ST&C 11 OP  
FOP #O-01911, ST&C 13 OP  
FOP #O-01911, ST&C 1D. OP  
NSR #4445, SC 6. PA

Description: Failure to maintain adequate water flow rate to process and wastewater scrubbers.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP #O-01911, ST&C 11 OP  
NSR #4445, SC 5G. PA

Description: Failure to maintain required hourly average records for the "A" Plant (Vinyls) flare (EPN VS-202C).

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Part 60, Subpart A 60.18(c)(4)(i)  
40 CFR Part 63, Subpart A 63.11(b)(7)(i)  
5C THSC Chapter 382 382.085(b)  
FOP O-01911 ST&C 11 OP  
FOP O-01911, ST&C 1A OP  
NSR 4445 SC 5A PERMIT

Description: Failure to maintain flare tip exit velocities below 60 feet per second.

Date 08/19/2010

(794042)

CN600128284

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) FOP O-01845 Special Term and Condition 5 OP NSR Permit 21130 Special Condition 4 PERMIT		
Description:	Failure to maintain the 1500 ppmv hydrogen sulfide limit on the sulfur unloading pit (SA-04). Category B19 (g) (1)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(A) 5C THSC Chapter 382 382.085(b) FOP O-01845 General Terms and Conditions OP		
Description:	Failure to report all deviations in the second semi-annual deviation report. Category C3		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 106, SubChapter A 106.6(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) FOP O-01845 Special Term and Condition 6 OP		
Description:	Failure to maintain the representation stated in the registration for Permit by Rule 106.512. Category B19(g)(1)		
Date	09/30/2010 (881541)	CN600128284	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	11/30/2010 (896287)	CN600128284	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	12/14/2010 (873716)	CN600128284	
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 335, SubChapter F 335.152(a)(18) 40 CFR Chapter 264, SubChapter I, PT 264, SubPT BB 264.1050(d)		
Description:	Failure to tag a piece of equipment subject to 40 CFR 264 Subpart BB		
Date	12/14/2010 (873618)	CN600128284	
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 335, SubChapter F 335.152(a)(1) 40 CFR Chapter 264, SubChapter I, PT 264, SubPT D 264.52(d)		
Description:	Failure to include Emergency Coordinator information in the Contingency Plan.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 335, SubChapter F 335.152(a)(8) 40 CFR Chapter 264, SubChapter I, PT 264, SubPT I 264.174		
Description:	Failure to conduct weekly hazardous waste container area inspection for the week of September 28, 2010.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 335, SubChapter F 335.152(a)(9) 40 CFR Chapter 264, SubChapter I, PT 264, SubPT J 264.195(b)		
Description:	Failure to conduct daily hazardous waste tank inspections.		
Date	12/16/2010 (873729)	CN600128284	
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 331, SubChapter D 331.63(h) PP V.D PERMIT		
Description:	Failure to maintain the specific gravity above the permit limit		

Date	12/31/2010	(909129)	CN600128284
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		

  

Date	04/27/2011	(899777)	CN600128284
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) SC No., 18 PERMIT Special Terms & Condition # 10 OP Special Terms & Conditions #5 OP		
Description:	Failure to meet the liquid flow rate of 87 gpm for the HFS.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 106, SubChapter T 106.454(1)(E) 30 TAC Chapter 116, SubChapter B 116.110(a)(4) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Terms and Conditions #6 OP		
Description:	Failed to have the instructions posted on the outside of the degreaser. (Category C3)		

  

Date	04/29/2011	(899780)	CN600128284
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.146(2) 5C THSC Chapter 382 382.085(b) General Terms & Conditions OP		
Description:	Failure to submit the PCC report dated November 17, 2010 within 30 days after the end of the compliance period. (CATEGORY B3 violation)		

  

Date	05/19/2011	(907779)	CN600128284
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(A) 5C THSC Chapter 382 382.085(b) General Terms and Conditions OP		
Description:	Failure to include all deviations in the deviation reports. (Category B3)		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) SC#6 PERMIT STC#10 OP		
Description:	Failure to maintain the water flow for the scrubbers: VS-206, VS-212 and VS-376. (Category B3)		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) SC#5A PERMIT STC#10 OP		
Description:	Failure to maintain the net heating value for the flares: VS-202C, on 05/01/10; and VS-203C, on 06/23/10. (Category B3)		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT SS 63.998(b)		

5C THSC Chapter 382 382.085(b)  
SC# 2A PERMIT  
STC# 1A OP  
STC#10 OP

Description: Failure to record the flow data for the scrubbers (VS-204, VS-206, VS-212, VS-376, VS-382) from 01/01/10 through 07/20/10. (Category C3)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(c)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)(1)  
5C THSC Chapter 382 382.085(b)  
STC#1A OP

Description: Failure to submit the HON Subpart A, F, G and H periodic reports within 60 days of the end of the 180 day reporting period for the semi-annual reporting period. (Category C3)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
SC#5(D) PERMIT  
STC#10 OP

Description: Failure to record the flare's, VS-202C, data on 12/06/09 and 04/22/10. (Category C3)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.146(d)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT SS 63.985(c)(2)  
5C THSC Chapter 382 382.085(b)  
SC#2 PERMIT  
STC# 10 OP  
STC#1A OP

Description: Failure to maintain the water flow for the scrubbers: VS-204, VS-206, VS-212 and VS-382. (Category C4)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
STC#9 OP

Description: Failure to monitor the specific gravity for the scrubber, VS-206, on 01/15/10, 02/19/10 and 03/19/10; and the scrubber, VS-0212. (Category B1)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.122(g)(1)(ii)  
5C THSC Chapter 382 382.085(b)  
STC# 1A OP

Description: Failure to report a maintenance activity on the HON Periodic Report. The scrubber, VS-206, was taken out of service on 08/19/10, for maintenance to the flowmeter calibration. (Category B3)

Date 05/24/2011 (899778) CN600128284

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1363(e)(7)(ii)  
5C THSC Chapter 382 382.085(b)  
Special Condition 11(H) PERMIT  
Special Term and Condition 6 & 4 OP

Description: Failure to conduct first attempt repair within 5 days after leak detection. (Category B1 Violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.216(3)(A)(ii)  
30 TAC Chapter 115, SubChapter C 115.216(3)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)

	5C THSC Chapter 382 382.085(b) Special Condition 10(B) PERMIT Special Term and Condition 1A and 6 OP		
Description:	Failure to maintain throughput records. (Category B3 Violation)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 4(E)(2) PERMIT Special Term and Condition 6 OP		
Description:	Failure to record vent gas flow to the NaOMe flare (EPN VP-01B). (Category C1 Violation)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 4(E)(1) PERMIT Special Term and Condition 6 OP		
Description:	Failure to maintain the ratio of natural gas to purge gas to the NaOMe flare (EPN VP-01B). (Category C1 Violation)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 5(C) PERMIT Special Term and Condition 6 OP		
Description:	Failure to record the differential pressure across the dust collector (EPN VP-10). (Category C1 Violation)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 5(C) PERMIT Special Term and Condition 6 OP		
Description:	Failure to maintain the differential pressure above 0"H <sub>2</sub> O across the dust collector (EPN VP-10). (Category C1 Violation)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 11(F) PERMIT Special Term and Condition 6 OP		
Description:	Failure to conduct weekly inspections of pressure sensing devices. (Category B3 Violation)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(A) 5C THSC Chapter 382 382.085(b) General Terms and Conditions OP		
Description:	Failure to report all instances of a deviation. (Category C3 Violation)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 4(E)(1) PERMIT Special Term and Condition 6 OP		
Description:	Failure to maintain the vent gas flow meter for the NaOMe flare (EPN VP-01B). (Category B1 Violation)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b)		

	Special Condition 4(E)(1) PERMIT		
	Special Term and Condition 6 OP		
Description:	Failure to maintain 200 BTU/scf for the NaOMe flare (EPN VP-01B). (Category C1 Violation)		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 4 (D)(1) PERMIT		
	Special Term and Condition 6 OP		
Description:	Failure to maintain 200 BTU/scf for the for the Velpar flare (VP-01A). (Category B3 Violation)		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 4(E)(2) PERMIT Special Term and Condition 6 OP		
Description:	Failure to record vent gas flow, ratio of nitrogen gas to vent gas, and net heating value for the Velpar flare (VP-01A). (Category B3 Violation)		
Date	05/31/2011	(945438)	CN600128284
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	06/16/2011	(899776)	CN600128284
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 4 PERMIT Special Terms & Conditions 6 OP		
Description:	Failure to maintain a concentration of less than 1,500 parts per million by volume (ppmv) hydrogen sulfide (H2S) in the sulfur transfer pit (EPN SA-05) during the dates of August 22, 2010 through August 28, 2010. [Category C]		
Date	08/31/2011	(965381)	CN600128284
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	09/30/2011	(971420)	CN600128284
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	12/31/2011	(990643)	CN600128284
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	01/20/2012	(977058)	CN600128284
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(A) 5C THSC Chapter 382 382.085(b)		



General Terms & Conditions OP  
Description: Failure to report all deviations in the deviation report dated May 26, 2011. (Category B3 Violation)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 9F PERMIT  
Special Term & Condition 7 OP

Description: Failure to limit analyzer downtime to five percent (%) for the sulfur dioxide (SO2) analyzer for the Sulfuric Acid Absorber Stack (EPN: SA-01). (Category C1 Violation)

Date 01/24/2012 (977347) CN600128284

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.335(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
ST&C 1A OP

Description: Failure to conduct required stack testing on Process Heater HF-01H. (Category B1 Violation)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THSC Chapter 382 382.085(b)  
General Terms & Conditions OP

Description: Failure to report all instances of deviations in semi-annual deviation report. (Category C3 Violation)

Date: 01/31/2012 966354 CN600128284

Self Report? YES

Classification: Minor

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

#### F. Environmental audits.

Notice of Intent Date: 08/21/2007 (594321)  
No DOV Associated

Notice of Intent Date: 10/04/2010 (877022)  
Disclosure Date: 01/07/2011

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115  
Rqmt PERMIT Special Conditions 11.J and 12.K

Description: Failure to record all actual readings of LDAR components whether a leak is detected or not. Specifically, fourth quarter monitoring in Lannate/API was conducted and background instrument readings were recorded for 3,745 components in which no leaks were detected were being recorded, rather than using the actual reading.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115  
Rqmt PERMIT Special Condition 11.E

Description: Failure to updated the delay of repair (DOR) emission calculation spreadsheet within 10 days of adding new DOR components to the list due to personnel changes.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115

Rqmt PERMIT Special Condition 11.E  
Description: One open-ended valve was found in the Lannate/API Unit.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1367(c)  
Description: Failure to properly maintain records. Specifically, weekly AVO inspection records for pumps and connectors were not available for a period of five years. Records were available for the most recent 18 months, but not prior due to shorter record retention period specified by corporate guidelines.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1363  
Description: Failure to include approximately 50 components that should have been included in the LDAR program for monitoring within the TCO Tank in the Environmental Control area.  
Disclosure Date: 04/14/2011

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115  
Rqmt PERMIT Special Conditions 11.J and 12.K  
Description: Failure to record all actual readings of LDAR components whether a leak is detected or not. Specifically, fourth quarter monitoring in Lannate/API was conducted and background instrument readings were recorded for 3,745 components in which no leaks were detected were being recorded, rather than using the actual reading.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115  
Rqmt PERMIT Special Condition 11.E  
Description: Failure to updated the delay of repair (DOR) emission calculation spreadsheet within 10 days of adding new DOR components to the list due to personnel changes.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115  
Rqmt PERMIT Special Condition 11.E  
Description: One open-ended valve was found in the Lannate/API Unit.  
Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1367(c)  
Description: Failure to properly maintain records. Specifically, weekly AVO inspection records for pumps and connectors were not available for a period of five years. Records were available for the most recent 18 months, but not prior due to shorter record retention period specified by corporate guidelines.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1363  
Description: Failure to include approximately 50 components that should have been included in the LDAR program for monitoring within the TCO Tank in the Environmental Control area.

G. Type of environmental management systems (EMSs). N/A

H. Voluntary on-site compliance assessment dates. N/A

I. Participation in a voluntary pollution reduction program. N/A

J. Early compliance. N/A

K. Sites Outside of Texas N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
E.I. DU PONT DE NEMOURS AND  
COMPANY  
RN100225085**

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**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2012-0050-IWD-E**

### **I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding E.I. du Pont de Nemours and Company ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent, represented by Mr. Danny Worrell of the law firm of Brown McCarroll, L.L.P., together stipulate that:

1. The Respondent owns and operates a wastewater treatment plant at 12501 Strang Road in La Porte, Harris County, Texas (the "Facility").
2. The Respondent has discharged industrial waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about December 24, 2011.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Ninety-One Thousand One Hundred Twenty-Five Dollars (\$91,125) is assessed by the Commission in settlement of the violations

alleged in Section II ("Allegations"). The Respondent has paid Thirty-Six Thousand Four Hundred Fifty Dollars (\$36,450) of the administrative penalty and Eighteen Thousand Two Hundred Twenty-Five Dollars (\$18,225) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Thirty-Six Thousand Four Hundred Fifty Dollars (\$36,450) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
  - a. On June 16, 2011, repaired the level instrument on the disinfectant storage tank and placed a work order into the site maintenance system to check the level instrument quarterly;
  - b. On June 20, 2011, initiated a new daily field test to indicate high/low residual chlorine levels as an early warning of potential disinfection problems;
  - c. Between June 17 and 26, 2011, trained all Environmental Area Operators about the new daily field test and the importance of proper disinfection of the site sanitary sewage;
  - d. On August 17, 2011, placed a second settling agent in the La Porte site biotreatment system to restore settling of total suspended solids; and
  - e. On August 28, 2011, adjusted the internal speed of the Rotating Disc Contactor Column to restore the proper waste material profile and treatment of methomyl.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have failed to comply with permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0000474000, Effluent Limitations and Monitoring Requirements Nos. 1 and 2 for Outfall 101, and Effluent Limitations and Monitoring Requirements No. 1 for Outfall 201, as documented during record reviews conducted on December 9, 2011, and April 4, 2012, and shown in the following table:

Effluent Violations Table				
Outfall No. 101				
	Chlorine Residual Minimum Concentration	Methomyl DAV Loading	Methomyl DMAX Loading	Total Suspended Solids DAV Loading
Month/Year	Limit = 1 mg/L	Limit = 0.088 lb/d	Limit = 0.191 lb/d	Limit = 790 lb/d
December 2010	c	0.114	c	c
May 2011	0.06	c	c	c
August 2011	c	0.136	0.390	798.57
September 2011	c	0.108	0.311	c
December 2011	c	0.215	0.513	c
Outfall No. 201				
Month/Year	Total Organic Carbon DAV Concentration			
	Limit =12 mg/L			
January 2012	13.22			

DAV = Daily Average, DMAX = Daily Maximum  
mg/L = milligrams per liter  
lb/d = pounds per day  
c = compliant

## III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

#### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: E.I. du Pont de Nemours and Company, Docket No. 2012-0050-IWD-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Thirty-Six Thousand Four Hundred Fifty Dollars (\$36,450) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall, within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0000474000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with the permitted effluent limitations. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager  
Houston Regional Office  
Texas Commission on Environmental Quality  
5425 Polk Avenue, Suite H  
Houston, Texas 77023-1486

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature

could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



**SIGNATURE PAGE**

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

\_\_\_\_\_  
For the Commission

Pam Dearing  
For the Executive Director

9/21/12  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Dean Thompson  
Signature

5/4/2012  
Date

Dean Thompson  
Name (Printed or typed)  
Authorized Representative of  
E.I. du Pont de Nemours and Company

Plant Manager  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.



**Attachment A**  
**Docket Number: 2012-0050-IWD-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>E.I. du Pont de Nemours and Company</b>
<b>Payable Penalty Amount:</b>	<b>Seventy-Two Thousand Nine Hundred Dollars (\$72,900)</b>
<b>SEP Amount:</b>	<b>Thirty-Six Thousand Four Hundred Fifty Dollars (\$36,450)</b>
<b>Type of SEP:</b>	<b>Pre-approved</b>
<b>Third-Party Recipient:</b>	<b>Galveston Bay Foundation - "Marsh Mania"</b>
<b>Location of SEP:</b>	<b>Harris County</b>

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**A. Project**

The Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be to Galveston Bay Foundation to be used for the Galveston Bay Foundation "Marsh Mania" as set forth in the agreement between the Third-Party Recipient and the TCEQ. SEP monies will be used to restore shoreline elevations, growing plants for shoreline restoration, and planting new habitat. Historic subsidence and erosion have resulted in shoreline elevations which are too low to support vegetation. This project will seek to raise elevations by scraping and terracing. Scraping involves the use of earthmoving equipment to grade an eroded, bluff-like shoreline so that it slopes gradually towards the water resulting in the ability of plant growth. Terracing uses earthmoving equipment to create small levees by burrowing and stacking sediment in shallow water. The high elevation can then be planted with emergent vegetation. SEP monies will be used to pay for the direct costs of the implementation of the project, including material, equipment, and labor costs.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

**B. Environmental Benefit**

This SEP will provide a discernible environmental benefit by providing food and shelter for a variety of native fish, shellfish, birds, and mammals. The marshes will also result in the reduction of pollution by filtering particulates and excess nutrients from runoff. In addition, the new habitat will protect shorelines from erosion and will help reduce the effects of flooding.

**C. Minimum Expenditure**

The Respondent shall contribute at least the SEP amount to the Third-Party Recipient and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Mr. Bob Stokes, President  
Galveston Bay Foundation  
17330 Highway 3  
Webster, Texas 77598

**3. Records and Reporting**

Concurrent with the payment of the SEP amount, the Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of

E.I. du Pont de Nemours and Company  
Agreed Order – Attachment A

the SEP amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality  
Financial Administration Division, Revenues  
Attention: Cashier, MC 214  
P.O. Box 13088  
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the Enforcement Division SEP Coordinator at the address in Section 3 above.

**5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.